

CASE NUMBER:

22STCV28306

1. Plaintiff *(name or names)*: Jessica Marie Shaver  
alleges causes of action against defendant *(name or names)*:  
Libbey Glass LLC
2. This pleading, including attachments and exhibits, consists of the following number of pages: 5
3. Each plaintiff named above is a competent adult
- a. ☐ except plaintiff *(name)*:
- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity *(describe)*:
- (3) ☐ a public entity *(describe)*:
- (4) ☐ a minor ☐ an adult
- (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
- (b) ☐ other *(specify)*:
- (5) ☐ other *(specify)*:
- b. ☐ except plaintiff *(name)*:
- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity *(describe)*:
- (3) ☐ a public entity *(describe)*:
- (4) ☐ a minor ☐ an adult
- (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
- (b) ☐ other *(specify)*:
- (5) ☐ other *(specify)*:

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

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4. ☐ Plaintiff (name):  
is doing business under the fictitious name (specify):  
  
and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person.
- a. ☒ except defendant (name): Libbey Glass LLC  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (describe):  
  
 (4) ☐ a public entity (describe):  
 (5) ☒ other (specify):  
 Limited Liability Company
- c. ☐ except defendant (name):  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (describe):  
  
 (4) ☐ a public entity (describe):  
 (5) ☐ other (specify):
- b. ☐ except defendant (name):  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (describe):  
  
 (4) ☐ a public entity (describe):  
 (5) ☐ other (specify):
- d. ☐ except defendant (name):  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (describe):  
  
 (4) ☐ a public entity (describe):  
 (5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 1-25 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 25-50 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.
- b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
- d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or
- b. ☐ is excused from complying because (specify):

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10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☒ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*):

Such other and further relief as this Court deems appropriate.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☒ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: August 30, 2022

Manee Pazargad

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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FIRST

(number)

**CAUSE OF ACTION—General Negligence**

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ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Jessica Marie Shaver

alleges that defendant (name): Libbey Glass LLC

☒ Does 1 to 50

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): September 1, 2020

at (place): 8225 Sunset Blvd., Los Angeles, CA 90046

(description of reasons for liability):

On or about September 1, 2020, Plaintiff was employed as a bartender at the Pink Taco restaurant located at 8225 Sunset Blvd., Los Angeles, CA. On that date, Plaintiff was performing her duties and preparing drinks behind the bar. Plaintiff was holding a small rocks glass manufactured by Defendant in her left hand. As she was preparing to salt the rim of the small rocks glass, the glass spontaneously and unexpectedly failed and shattered in her hands. As a result of the glass failure, Plaintiff's right hand was severely lacerated by a large shard of glass. Shortly after the incident Plaintiff was transported to the hospital for emergency treatment. The injuries she sustained have caused Plaintiff severe injuries, leaving her with a great deal of pain and suffering, residual injuries, permanent scarring, and functional limitations that affect her activities of daily living.

Defendant has been aware of the dangers and risk of injuries to users of its products since at least 2011. Specifically, Defendant's products have been identified as having the potential to break unexpectedly during use, thereby posing a laceration hazard. These dangers are caused by, among other factors, defective design and defective materials used. Defendant is aware of the risk of injuries associated with its products. Notwithstanding their knowledge of the immediate and severe danger posed by its products to consumers, Defendant failed to take any action to prevent injuries to consumers. Possible actions that could have been taken include, but are not limited to, changing the defective design or recalling the defective products. By failing to undertake any of these actions, Defendant consciously and knowingly disregarded the safety of its users.

At all times relevant to this action, Defendant had a duty to ensure its products did not pose a significant risk of harm and adverse events to users. Defendants knew or reasonably should have known that their products were unreasonably dangerous and defective when utilized for their intended use and purpose. The product defects alleged herein above were substantial factors contributing to the damages suffered by Plaintiff. As a direct and proximate cause of Defendant's negligence, Plaintiff suffered, and will continue to suffer, special damages, general damages, and other economic and non-economic damages in an amount to be proven at trial.

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SECOND

## CAUSE OF ACTION—Products Liability

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(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint  
 (Use a separate cause of action form for each cause of action.)

Plaintiff (name): Jessica Marie Shaver

Prod. L-1. On or about (date): September 1, 2020 plaintiff was injured by the following product:  
 Small rocks glass manufactured by Libbey Glass LLC.

Prod. L-2. Each of the defendants knew the product would be purchased and used without inspection for defects.  
 The product was defective when it left the control of each defendant. The product at the time of injury was being

☒ used in the manner intended by the defendants.☐ used in the manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given.

Prod. L-3. Plaintiff was a

☐ purchaser of the product.☒ user of the product.☐ bystander to the use of the product.☐ other (specify):

PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:

Prod. L-4. ☒ Count One—Strict liability of the following defendants whoa. ☒ manufactured or assembled the product (names):

Libbey Glass LLC

☒ Does 1 to 50b. ☒ designed and manufactured component parts supplied to the manufacturer (names):☒ Does 1 to 50c. ☒ sold the product to the public (names):☒ Does 1 to 50Prod. L-5. ☒ Count Two—Negligence of the following defendants who owed a duty to plaintiff (names):

Libbey Glass LLC

☒ Does 1 to 50Prod. L-6. ☒ Count Three—Breach of warranty by the following defendants (names):

Libbey Glass LLC

☒ Does 1 to 50a. ☒ who breached an implied warrantyb. ☐ who breached an express warranty which was☐ written ☐ oralProd. L-7. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are☐ listed in Attachment-Prod. L-7 ☐ as follows:

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